

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FEDERAL TRADE COMMISSION,  
Plaintiff,

v.

ENDO PHARMACEUTICALS, INC., et al.  
Defendants.

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Civ. No. 16-1440

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**ORDER**

**AND NOW**, this 20th day of October, 2016, upon consideration of Defendant Watson's Motion to Sever (Doc. No. 57), Defendant Impax's Motion to Sever (Doc. No. 58), Defendant Endo's Joinder in Defendants' Motions to Sever (Doc. No. 61), the FTC's Response in Opposition to Defendants' Motions to Sever (Doc. No. 73), Defendant Impax's Reply (Doc. No. 76), Defendant Watson's Reply (Doc. No. 79), and the FTC's Sur-Reply (Doc. No. 84), and all related submissions, it is hereby **ORDERED** that Defendants' Motions to Sever (Doc. Nos. 57, 58) are **GRANTED**.

**IT IS FURTHER ORDERED** that:

1. This action shall be **SEVERED** into two separate actions.
2. The FTC's informal request that I transfer the severed actions is **DENIED without prejudice**.
3. The FTC's original action, Civil Action No. 16-1440, shall **REMAIN OPEN only with regard to** Defendants: Endo Pharmaceuticals Inc., Endo International plc, Teikoku Pharma USA, Inc.; Teikoku Seiyaku Co.; Ltd.; Watson Laboratories, Inc.; and Allergan plc. The **CLERK OF COURT** shall **TERMINATE** Defendant Impax Laboratories, Inc. I will **RETAIN** control of the case.
4. The FTC shall **FILE** in Civil Action No. 16-1440, **no later than November 3, 2016**, an

Amended Complaint striking the references to, and claims against, Defendant Impax Laboratories, Inc.

5. The FTC shall **FILE** with this Court, **no later than November 3, 2016**, a new Complaint naming as Defendants: Endo Pharmaceuticals Inc.; Endo International plc; and Impax Laboratories, Inc. This Complaint shall include claims against **only** these Defendants. The Clerk of Court shall **ASSIGN** this Complaint a new Civil Action Number and shall **ASSIGN** the case to me.
6. Both Complaints shall **BE DEEMED** to have been filed as of March 30, 2016.
7. Defendants' Motion to Dismiss for Failure to State a Claim (Doc. No. 69) and Defendant Allergan's Motion to Dismiss for Lack of Personal Jurisdiction (Doc. No. 70) are **DENIED as moot**. Defendants may refile their Motions to Dismiss in response to the Complaints filed in their actions.

**AND IT IS SO ORDERED.**

*/s/ Paul S. Diamond*

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Paul S. Diamond, J.